

BOISE, FRIDAY, FEBRUARY 17, 2023, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Petitioner-Appellant,)	
)	
v.)	Docket No. 49099
)	
JOHNATHAN ELSTON BELL,)	
)	
Defendant-Respondent.)	
)	
_____)	

Appeal from the District Court of the Fifth Judicial District of the State of Idaho, Blaine County. Honorable Ned C. Williamson, District Judge.

Raúl R. Labrador, Idaho Attorney General, Boise, attorney for Appellant.

Eric D. Fredericksen, State Appellate Public Defender, Boise, attorney for Respondent.

This appeal centers on the district court’s intermediate appellate order reversing a magistrate court’s denial of Jonathan Bell’s motion to suppress. Following his warrantless arrest for driving under the influence, Bell moved to suppress on the grounds that the evidence of his DUI was obtained in violation of Article I, section 17 of the Idaho Constitution. Bell argued there was no probable cause to support a warrantless arrest because the officer who arrested him was not the same officer who witnessed his intoxication, and the warrantless arrest was invalid under *State v. Clarke*, 165 Idaho 393, 446 P.3d 451 (2019). The State argued that the “in the presence of the arresting officer” requirement under *Clarke* allows the collective knowledge doctrine to establish probable cause, and Bell’s arrest was therefore valid. The magistrate court denied Bell’s motion to suppress, which Bell appealed to the district court. The district court reversed the magistrate court’s decision, concluding that the collective knowledge doctrine does not allow a peace officer to make a warrantless arrest for a DUI committed outside the officer’s presence. The State timely appeals.